

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GRUENBERG

Serial No.: 09/127,411

Filed: July 31, 1998

For: AUTOLOGOUS IMMUNE CELL THERAPY;
CELL COMPOSITIONS, METHODS AND
APPLICATIONS TO TREATMENT OF
HUMAN DISEASE

Art Unit: 1644

Examiner: Schwadron, R.



I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231, on this date.

02/22/00

Date

Stephanie Seidman

ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Requirement for Election of species, mailed September 22, 1999, applicant elects, with traverse, claim 37 further, if necessary, elects the agents set forth in claim 39. Claims 36, 38-40 and 154-157 read on the elected species.

REMARKS

A check for the fee for a four month extension of time accompanies this response. Any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

Traverse

The Examiner urges that claim 37 is a species distinct from claim 36. It, however, is noted that claim 37 is a species of the method set forth in claim 36. Hence the requirement as set forth is incorrect. As discovered by the instant applicant and described and exemplified, depending upon the conditions of expansion, the CD4+ cells can be expanded into predominantly Th1 or Th2 cell populations.